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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/640,190

08/17/2000

Vincent K. Lee

EM/LEE/5931

2409

7590

07/02/2002

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EXAMINER

TRAN, TAM D

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 07/02/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,190

Applicant(s)

LEE, VINCENT K.

Examiner

Tam D Tran

Art Unit

2674

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al. (PN6195085).

In regard to claim 2, Becker et al. teach the computer mouse comprising: a pliant outer shell (liquid-filled compartment), the compartment comprising a transparent protective layer (see-through external wall and a bottom wall), (see col.3, lines 20-25), an interior shell (lower case) comprising front and rear portions, the rear portion of the lower case adapted to receive the bottom wall of the liquid-filled compartment, the front portion of the lower case adapted to receive electronic components of the computer mouse; an interior shell (upper case) adapted to cover the electronic components of the computer mouse and secure the liquid-filled compartment

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between the lower case and the upper case, such that the content of the see-through compartment is fully visible,(see, Fig.5, Fig.6, col.8, 1-15).

Claim Rejections - 35 USC § 103

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (PN6195085).

4. In regard to claim 3 and 4, Becker et al. teach the computer mouse, comprises gel shell elements 230, and 231 (liquid-filled compartment) fitted to the upper case and firmly connect the liquid-filled compartment to the upper case, (see Fig.5, Fig.6). It would have been obvious to a person of ordinary skill in the art to realized that the edges of the shells connecting and gluing (an adhesive) to each other in a stepping order (stepped edge) for strongly supporting the mouse.

5. In regard to claim 5, Becker et al. teach the computer mouse, wherein the liquid crystal plate (upper case) is transparent, (see Fig.7, col.10, lines 37-42).

Response to Arguments

6. Applicant's arguments filed 08/17/2000 have been fully considered but they are not persuasive because as follows:

In response to applicant's argument filed " the operation of the liquid crystal plates of the device of Becker et al. is electronically controlled by the mouse or the computer to which the mouse is attached"; however, examiner respectfully disagrees with the argument because in the col.10, lines 45-50, col.11, lines 59-61, Becker et al. teach that liquid crystal material changes colors due to the temperature or pressure of the hand. The second argument filed "one cannot equate the liquid-crystal matrix of the device of Becker et al. to the liquid-filled compartment comprising a see-through external wall", Examiner respectfully believes that liquid-crystal plate

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is actually a container for holding the liquid crystal material. The third argument filed " In the device of Becker et al., there is no compartment onto which a liquid-filled compartment can be positioned at a lower case of the mouse, with an upper case which does not encapsulate the liquid-filled compartment"; however, examiner respectfully disagrees with the argument because on the Fig.5 and Fig.6 , col.8, lines 33-47, Becker et al. teach that the membrane 230 (upper-case) cover the gel area (liquid-filled compartment).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is **703-305-4196**. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Tam Tran

Examiner

Art unit 7674



**RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**